

United States District Court
for the
District of New Hampshire

Joanne E. Simons, Trustee of
Joanne E. Simons Revocable Trust

and

Civil Action No. 1:10-cv -21-GZS

Bettejane P. May, Trustee of
Bettejane P. May Revocable Trust

and

Straw Hill Condominium Association

v.

Federal Deposit Insurance Corporation

ORDER AND JUDGMENT

The court, finds, rules and orders as follows:

1. Reference is made to The Straw Hill Condominium, Manchester, NH (the “Condominium”), established by a Declaration of Condominium (the “Original Declaration”), dated June 28, 1984 and recorded in the Hillsborough County Registry of Deeds (the “Registry”) in Book 3216, Page 723 on September 28, 1984 and to the Sixth Amendment to the Original Declaration recorded in the Registry in Book 3791, Page 0299 on November 21, 1986 (the “Sixth Amendment”).

2. The Sixth Amendment to the Original Declaration via Exhibit A thereto purported to submit additional land to the Condominium, including a metes and bounds course of N 07° 14' 03" E a distance of 255.24 feet.

3. Notwithstanding the aforementioned course, the corresponding course shown on Plan #19990, recorded in the Registry on December 1, 1986, is N 23° 48' 37" E a distance of 248.76 feet.

4. The above-captioned action (the "Action") was instituted, *inter alia*, to determine whether the boundary established by the Sixth Amendment or by Plan #19990 is correct.

5. The parties have agreed to settle all claims in the Action and have stipulated as to the correct boundary.

6. Accordingly, judgment is hereby entered that the Sixth Amendment and Exhibit A thereto is hereby reformed, *nunc pro tunc* so that the third course in the metes and bounds legal description in said Exhibit A, which states, "Thence, running N 07° 14' 03" E along the westerly border of said Additional Land VII a distance of 255.24 feet, to a point", is deleted in its entirety and replaced with the following:

"Thence, running N 23° 48' 37" E along the westerly border of said Additional Land VIII a distance of 248.76 feet, to a point;"

7. After entry of judgment upon the reformation order referenced in paragraph 6 above, the Action shall be dismissed with prejudice and without costs and attorneys' fees to any party.

Dated: December 20, 2011

SO ORDERED

/s/ George Z. Singal
United States District Judge